

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Donald Paul Gardner Customer No. : 21003
Serial No. : 10/517,350 Confirmation No. : 3933
Filed : 06/13/2005 Group Art Unit : 3633
Examiner : Fonseca, Jessie T.
For : LOOSE LAID VENTILATING DECORATIVE FLOOR COVERING

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

FILED VIA EFS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449 and respectfully requests that the listed documents be considered by the Examiner and made of record in the above-captioned application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute “prior art.” If the Examiner applies the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute “prior art” under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicant further reserves the right to take appropriate actions to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

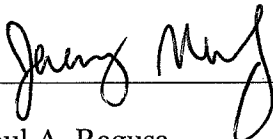
This Supplemental Information Disclosure Statement is being filed after the mailing of a final action under §1.113 and before the payment of the issue fee. The references cited in the attached Form PTO-1449 was originally cited not more than three months prior to the filing of this Supplemental Information Disclosure Statement in the Japanese Office Action dated December 16, 2008 of the copending Japanese Patent Application No. 2004-513580.

Applicant has enclosed the required fee under 37 C.F.R. § 1.17(p) due in connection with this submission. If any additional fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.

Date: February 5, 2009

By: 

Paul A. Ragusa
Patent Office Reg. No. 38,587

Jeremy Merling
Patent Reg. No. 60,219

30 Rockefeller Plaza
44th Floor
New York, NY 10112
(212) 408-2500

Attorneys for Applicant(s)